



TOWN OF SURFSIDE, FLORIDA
Town Commission Meeting
9293 Harding Avenue
Surfside, FL 33154
Tuesday, April 08, 2008
7:00 p.m.

Mayor Charles W. Burkett
Vice Mayor Marc Imberman
Commissioner Elizabeth Calderon
Commissioner Steve Levine
Commissioner Howard S. Weinberg

Town Manager Pam Brangaccio
Town Attorney Lynn M. Dannheisser
Town Clerk Beatris M. Arguelles, CMC

MINUTES

On Tuesday, May 8, 2008 at 7:00 p.m., the Town of Surfside Commission met in regular Session in the Commission Chambers at Town Hall at 9293 Harding Avenue in Surfside.

1. OPENING:

- 1.A CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 7:15 p.m.
- 1.B PLEDGE OF ALLEGIANCE / INVOCATION:** Police Chief Dave Allen led the pledge.
- 1.C ORDER OF BUSINESS (Additions/Deletions/Amendments/Deferrals):** Vice Mayor Imberman asked that item 8b3 be removed and that in its place, Charter Review Committee be added. The Clerk disseminated a new attachment for item 6g. Vice Mayor Imberman asked that an Honorary Day for Sid Tepper be added to the discussion items under 8b. Commissioner Levine asked that item 8b2 and 8a4 be consolidated. The order of business as amended was approved by consensus.
- 1.D APPROVAL OF THE MINUTES:** There were no minutes submitted for approval.
- 1.E SPECIAL PRESENTATIONS:**
 - 1E1 OFFICER OF THE MONTH** by Chief Dave Allen presented the award to Officer Chase Bonneville.
 - 1E2 SURFSIDE CYCLONES YOUTH 10 AND UNDER SOCCER TEAM**
Commissioner Weinberg asked that the team come into the chambers. Resident Rico Sogoccio announced that the Surfside Soccer program has exceeded expectations in success and popularity. He announced that the Youth under 10 team achieved the Championship. Coach Gabriel Aviles was applauded for his efforts in managing the program as was Parks and

Recreation Director Tim Milian. Mr. Sogocio announced that the trophies won by the team will be donated to the New Surfside Community Center.

Item 8a5 was taken out of order:

- 8A5** FPL overhead to underground conversion – Aletha Player, Florida Power & Light Company made a presentation which addressed the costs involved in converting from overhead to underground power lines. (*Presentation attached to these fully executed minutes.*) The Mayor suggested that a workshop be scheduled to discuss possible implementation of the undergrounding. No action was taken.

2. QUASI-JUDICIAL ITEMS: None

3. PUBLIC HEARINGS/ORDINANCES FOR SECOND READING:

- 3.A ZONING CODE ORDINANCE** – The item was removed from the Agenda at the request of the Town Planner upon a motion by Vice Mayor Imberman that it be deferred until after the Planning and Zoning Board meets to discuss the Ordinance. The motion was seconded by Commissioner Levine and carried unanimously.

4. ORDINANCES FOR FIRST READING: No ordinances were presented for first reading.

- 5. GOOD AND WELFARE:** The following residents addressed the Commission: **Ken Arnold** - regarding undergrounding power lines in the street as opposed to on private property; **Martha Olchyk** – regarding location of the Yoga classes while the Community Center is demolished and re-built; **Richard Iacobacci** – suggested that the Planning and Zoning Board hear from Mr. Behar regarding the zoning Code at their next meeting.

6. RESOLUTIONS: The Town Clerk read each Resolution by title.

6.A CONFISCATION FUND EXPENDITURE - P.O.A.T. DONATION (\$500):

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2007/2008 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00) TO BE FUNDED BY PROCEEDS OF CONFISCATION FUNDS

Adoption of the resolution was moved by Levine and seconded by Vice Mayor Imberman. The motion carried unanimously.

6.B STORM PROTECTION AT TOWN HALL – REJECTING BIDS RECEIVED

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REJECTING ALL BIDS FOR THE INSTALLATION OF STORM PROTECTION AT TOWN HALL AND AUTHORIZING THE

TOWN MANAGER TO RE-BID THE PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE

Adoption of the resolution was moved by Vice Mayor Imberman and seconded by Commissioner Levine: The motion carried unanimously.

6.C TOURIST BUREAU CONSULTING SERVICES AGREEMENT

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE INTERIM TOWN MANAGER TO ENTER INTO A TOURIST BUREAU CONSULTING SERVICES AGREEMENT WITH WEDNER & FRIENDS, PROVIDING FOR IMPLEMENTATION OF AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE

Adoption of the resolution was moved by Vice Mayor Imberman and seconded by Commissioner Calderon: The motion carried unanimously.

Vice Mayor Imberman thanked former Tourist Bureau Consultant Barbara McLaughlin for her efforts, time and creativity in giving the Tourist Bureau a new direction.

6.D APPROVING SETTLEMENT AGREEMENT WITH KEITH A. GRAY

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A SETTLEMENT AGREEMENT WITH KEITH A. GRAY, TRUSTEE; AUTHORIZING EXECUTIVE OF THE SETTLEMENT AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE.

Adoption of the resolution was moved by Commissioner Levine and seconded by Vice Mayor Imberman: The motion carried unanimously.

6.E APPROVAL OF AGREEMENT WITH CAPE CANAVERAL SCIENTIFIC FOR GRANT WRITING SERVICES FOR FDEP 319 GRANT

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(3) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES, APPROVING AN AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND CAPE CANAVERAL SCIENTIFIC, INC. FOR GRANT WRITING SERVICES AND PIGGYBACKING ON CITY OF TAMPA RFP 61020106 AND RESULTING AGREEMENT DATED JULY 27, 2006, AUTHORIZING EXECUTION OF AGREEMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

Adoption of the resolution was moved by Commissioner Levine and seconded by Commissioner Weinberg: Brief discussion ensued regarding the work order estimate. The Interim Town Manager noted the estimate to be \$12,760. The motion carried unanimously.

6.F EXTENSION OF TIME FOR ISSUANCE OF A BUILDING PERMIT FOR 9501 COLLINS AVENUE

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN EXTENSION OF TIME FOR THE ISSUANCE OF A BUILDING PERMIT WITH REGARD TO RESOLUTION 2007-1756 APPROVING AN APPLICATION SUBMITTED BY 9501 COLLINS AVENUE, LLC, PROPERTY OWNER(S) OF THE PROPERTY LOCATED AT 9501 COLLINS AVENUE, LEGALLY DESCRIBED AS LOT 1, BLOCK 2, SUBDIVISION ALTOS DEL MAR NO. 6, FOLIO #14.2235.007.0110, FOR A VARIANCE FROM THE PROVISIONS OF CHAPTER 90, SECTION 155 OF THE TOWN CODE FOR A LOT WIDTH OF 55 FEET, WHICH IS A VARIANCE OF 45 FEET, WHERE A MINIMUM LOT WIDTH OF 100 FEET IS REQUIRED AND A SOUTH SIDE CORNER YARD SETBACK OF 10 FEET, WHICH IS A VARIANCE OF 10 FEET WHERE A MINIMUM SOUTH SIDE CORNER YARD SETBACK OF 20 FEET IS REQUIRED, SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

Adoption of the resolution was moved by Commissioner Levine and seconded by Commissioner Calderon.

Lucia Dougherty, Attorney representing the applicant made a presentation on the history of the application and the project. She cited that the project has been delayed due to the various permits that are needed from various agencies.

Following the presentation, the Commission heard from the following residents: **Dean Bilton**, representing the Surfside Towers condominium expressing opposition to the extension of time, citing the property owners have made the request prematurely and they not complied with the provisions of the original approval including demolition of the building with three months of approval, maintaining the property and/or landscaping the empty lot.

Dave Steinfeld, asked that the Commission address the issue of the unsightly lot and make sure the property owners clean it up.

Richard Iacobacci, concurred that the property is an eyesore since the building was demolished and should be cleaned up.

Avi Sherabani, property owner noted that he is trying to maintain the property as soon as issues arise. He stated he would like to proceed with the development of the property.

The Commission discussed the matter. Commissioner Weinberg expressed concern over whether or not the project will be built and added that approval should be contingent upon payment of all Cost Recovery Fees, and a landscape

plan that the Planner can approve for the site until such time as the building construction gets underway.

Commissioner Levine agreed with Commissioner Weinberg and suggested that a fabric be installed around the fencing (such as what is used at the Lanai) that may camouflage the unsightly lot or landscape the lot until a building permit is pulled.

Commissioner Calderon concurred and suggested that the only way to keep the sand from blowing around is to sod.

Vice Mayor Imberman suggested granting the extension for six months, as opposed to one year, however that that property be landscaped immediately as the trigger was upon demolition of the building.

Mayor Burkett stated that he was opposed to granting the variances, however if the Commission was inclined to approve, they do so contingent upon proper landscaping of the property.

Commissioner Weinberg moved suggested to amend the Resolution to grant the extension for up to six months from the effective date of the Resolution subject to the submission of landscape plans and payment of cost recovery within 30 days and thereafter effectuating the Town Planner Approved landscape plan within 30 days of Landscape permit approval. Commissioner Levine agreed to the friendly amendment as did Commissioner Calderon.

The Question was called on the amended motion and it carried 4-1 with Mayor Burkett dissenting.

6.G APPROVING AN AGREEMENT WITH GARY L. WORD

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT BETWEEN TOWN MANAGER GARY L. WORD AND THE TOWN OF SURFSIDE; AND PROVIDING AN EFFECTIVE DATE

Adoption of the resolution was moved by Commissioner Levine and seconded by Vice Mayor Imberman. The motion carried unanimously.

7. REPORTS:

7.A COMMITTEE/BOARD REPORTS:

7A1 ESTABLISHMENT OF AND APPOINTMENTS TO COMMITTEES

The following appointments were made to each of the following Committees:

Education Committee

Mayor Burkett: Lea Coto
Vice Mayor Imberman: Pamela Mishkin
Commissioner Calderon: Peter Hickey
Commissioner Levine: Martha Olchyk
Commissioner Weinberg: Sherry Ulsh
Commission Liaison: Vice Mayor Marc Imberman

Green Committee

Mayor Burkett: Heather Oppenheimer and Dryle Prager
Vice Mayor Imberman: Oliver Sanchez
Commissioner Calderon: Tina Gaber and Jeffrey Diamond
Commissioner Levine: Michael Cohen and Michelle Kligman
Commissioner Weinberg: Noel Steinfeld
Commission Liaison: Commissioner Howard Weinberg

Parks and Recreation Committee

Mayor Burkett: Carlos Rosa
Vice Mayor Imberman: Rick Zambrano
Commissioner Calderon: Andrew Craven
Commissioner Levine: John McQuagge
Commissioner Weinberg: Christy Rautbord
Commission Liaison: Commissioner Weinberg

Commissioner Weinberg suggested that the Welcome Committee not be re-authorized. By consensus, the Board allowed the Committee to sunset.

7A2 BOARD APPOINTMENTS:

- a. **APPOINTMENTS TO THE PENSION BOARD** (Two Residents)
The Commission appointed Stan Bershad and Michael Feldman by unanimous consent.

- b. **APPOINTMENTS TO THE PERSONNEL APPEALS BOARD**
(Five Residents) the following were appointed by unanimous consent:

Mayor Burkett: Made no appointment.
Vice Mayor Imberman: Ruben Coto
Commissioner Calderon: Made no appointment
Commissioner Levine: Jay Abramowitz
Commissioner Weinberg: Brian Dooreck
Commission Liaison: Mayor Charles Burkett

- c. **APPOINTMENTS TO THE PLANNING AND ZONING /
DESIGN REVIEW BOARD** (Five Residents for P&Z, plus two
architects for DRB and one non-voting Commission Liaison)

Planning and Zoning Board:

Mayor Burkett: Peter Glynn

Vice Mayor Imberman: Daniel Dietch

Commissioner Calderon: Aram Brazilian

Commissioner Levine: Richard Iacobacci

Commissioner Weinberg: Jorge Gutierrez

Design Review Board:

Elizabeth Ogden

James Mackenzie

Commission Liaison: Elizabeth Calderon.

d. APPOINTMENTS TO THE SPECIAL POLICE RETIREMENT TRUST FUND BOARD (Two Residents) By unanimous consent, the Commission Appointed Rob Silvagni and Ed Yero pending their acceptance of the appointments.

e. APPOINTMENTS TO THE TOURIST BUREAU (Five Residents and one non-voting Commission Liaison)

Mayor Burkett: Barbra Cohen

Vice Mayor Imberman: Bernie Edelstein

Commissioner Calderon: Dilowe Barker

Commissioner Levine: Eli Tourgeman

Commissioner Weinberg: Eric Bogart

Commission Liaison: Commissioner Levine

7.B COMMISSIONER'S REPORTS:

7.C TOWN MANAGER'S REPORT:

7C1 Ratification of purchase of three Police vehicles – Interim Town Manager Pam Brangaccio asked that the Commission ratify the purchase of three 2008 Ford Crown Victoria Police Vehicles at a cost of \$20,854 each for a total of \$62,562. She noted the vehicles were purchased off of the Florida Sherriff's contract #06-14-0821 and that the funds were budgeted in the 2007-2008 Fiscal year.

Vice Mayor Imberman moved to ratify the purchase. Commissioner Weinberg seconded the motion which carried unanimously.

7C2 Projects Progress Report – the interim Town Manager submitted a written progress report dated March 2008 (*attached to these fully executed minutes*) in which she reported on the progress of the following items: Community Center, Beach Walk, Planning and Community Development, Web Site, IT and TV Broadcasts; Emergency Management, Public Utilities/Engineering, Building Code Services and Transportation, parks and Grants.

Specifically, regarding the FCT grant, the Town Manager announced that the Commission will need to adopt the trail map identifying all points of public access to Indian Creek and the Atlantic Ocean and identifying all public parks and green space within the Town, as well as all parks within a e-mile radius.

Commissioner Weinberg moved to adopt a resolution approving the trail map as outlined by the Town Manager. Vice Mayor Imberman seconded the motion which carried unanimously.

Specifically regarding the Community Center, the Town Manager asked that the Commission have a workshop at 5:00 p.m. on May 13, prior to the Commission Meeting, to review the architect plan and the LEED certifications. The Commission agreed to hold the workshop.

- 7C3 **Other Items** – On the FCT Grant, the Town Manager announced a change order to bring Historian Bob Carr on to perform an assessment of the historical significance of the house located adjacent to the 96th Street Park. The additional cost of the Change order is approximately \$2,500. Vice Mayor Weinberg noted that the Town's grant application would be awarded additional points for preserving the integrity of a historic building, should the house hold historical significance.

Vice Mayor Imberman suggested that after Mr. Carr completes the survey of the 96th Street "Pink" house, he be asked for a quote to perform a Historical survey of the entire Town in order to identify other potential historical structures within the Town.

7.D TOWN ATTORNEY'S REPORT:

- 7D1 **Workshop on Sunshine Law for Board and Committee Members** – The Town Attorney requested permission to conduct a workshop with all the Committee and Board Members regarding the Sunshine Law and with the Planning and Zoning Board to review quasi-judicial proceedings. There were no objections.

8. DISCUSSION ITEMS:

8.A MAYOR BURKETT

- 8A1 **Miami Beach Fire Department** – the Mayor announced that the City of Miami Beach is still very interested in providing Fire Services for the Town of Surfside at 50% of what the Town currently pays to Miami Dade County. He reported that Indian Creek has voted to leave the Miami Dade Fire District and contract with the City of Miami Beach for Fire Services. He announced that he would be speaking to the Indian Creek to explore options regarding partner with the City to reduce rates further.

Vice Mayor Weinberg noted that the City of Indian Creek has been sued

by Miami-Dade County and the case will be resolved within the next few months.

- 8A2 **Commercial vehicles parking on residential streets at entrance to Indian Creek Village** - The Mayor asked the Police Chief to look into the problem of. The Chief noted that the vehicles parking at the location are construction workers that are working on a house in Indian Creek. He noted that he has spoken to the Indian Creek Police Chief about the problem and if it persists the vehicles may be asked to park in the Indian Creek parking lot.
- 8A3 **Wireless Telecommunications Tax** – the Mayor noted that the State of Florida collects the tax on behalf of the municipalities and distributes it to the various municipalities. The Town Manager noted that the \$300,000 currently received from the tax is the amount that can be pledged toward the Revenue bonds for the Community Center.
- 8A4 **Speed Bumps** – the Mayor cited that although he is in support of the Speed bumps currently installed, he would like to see gradual humps that are less abusive to the vehicles. The Chief noted that the County has asked that the speed bumps be removed based on a complaint made by a non-surfside Resident.

George Keller and Dave Sphinx of Calvin Giordano & Associates gave a brief presentation on traffic calming procedures. Mr. Sphinx noted that Miami Dade County has asked that a traffic study be conducted which study must identify traffic concerns such as traffic intrusion, volume, speeding, traffic accidents and other. It must identify the time the problems have existed and the conditions that may have caused the problems. It must identify the type of traffic control measure that is being requested including a map illustration and proposed traffic flow modification/street closure. It must identify on whose behalf the application is being made. Mr. Sphinx recommended that the Town proceed to removing the speed bumps along Byron Avenue, identify additional locations for traffic calming devices, initiate the traffic studies and coordinate with Miami Dade county on study procedures and results, submit traffic study to Miami Dade County for approval and implement the approved Miami Dade County Traffic Calming devices.

The Town Attorney noted that the County has the ultimate say in what the Town can or cannot do with regard to the speed humps.

Following lengthy discussion, the Commission directed staff come back to the Commission with a proposal to accomplish traffic calming within the Town (including stop signs, speed humps, gating, etc.) utilizing whatever information is available, to the extent that the Town has usable, valuable and timely information that can be used (including information obtained from the Charette, other traffic studies that have been conducted, etc.)

- 8A5 **FPL overhead to underground conversion** – *item taken out of order*
- 8A6 **Beach Walk update** – The Mayor asked that staff give the Commission copies of the various plans that have been prepared so that the Commission can decide on a final plan for the path. The Town Manager advised that she has already prepared the packages and will distribute to the Commission prior to the next meeting.
- 8A7 **Animal Control-Possums** – The Mayor noted that he has had complaints about a number of possums in the Town. Noel Steinfeld noted that possums are considered wild life and cannot be neutered, spayed, or harmed in any way. She noted that possums prey on rats and are nocturnal. No action was taken regarding the possums.

8.B VICE MAYOR MARC IMBERMAN

- 8B1 **Beautification Committee** – The Vice Mayor moved the creation of a Beautification Committee to deal with the beautification of the various public spaces (business district, parking lots, public spaces including tot-lots and parks. Commissioner Weinberg seconded the motion which carried unanimously.
- 8B2 **New Speed Bumps** – *see item 8A4*
- 8B3 ~~Legal-needs-analysis~~ **Charter Review Committee** – the Vice Mayor moved the creation of a Charter Review Committee. Commissioner Levine suggested that the Town Attorney review the Charter and make recommendations as to changes. He suggested that a couple of public workshops be held to discuss the changes.

Commissioner Weinberg suggested appointing a blue-ribbon committee consisting of “experts” that can perform a review of the Charter and make recommendations to the Commission.

Mayor Burkett suggested that a blurb be put in the Gazette requesting that anyone interested in sitting on a Charter Review Committee submit a resume directed to the Town Clerk. Once those resumes are received the Commission will review the qualifications to see if a Committee should be formed.

No other action was taken.

- 8B4 **Possible Ballot Initiatives** – Vice Mayor Imberman noted that the commission should begin discussing possible ballot initiatives for the November ballot by August. He suggested items such as a Bond Issue for the Community Center and the Fire Dept. issue.

The Mayor concurred. Commissioner Levine suggested the addition of

Terms of Office for the Commission to the ballot. He suggested that whatever issues go on the ballot, the residents should be informed.

8B5 Recognition of Sid Tepper – Vice Mayor Imberman proposed a Sid Tepper Day in June in recognition of Mr. Tepper's 90th Birthday.

9. MAYOR'S ROUNDTABLE:

10. ADJOURNMENT: The Meeting adjourned at 11:21 p.m.

▪ THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

▪ IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

▪ AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsouthsidefl.gov

▪ TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY attend AT THIS MEETING.

▪ THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.